UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/406,435	09/27/1999	VIKTORS BERSTIS	AT9-99-367	1602

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EXAMINER
SINGH, RACHNA

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/406,435	BERSTIS, VIKTORS
		Examiner	Art Unit	
		Rachna Singh	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 September 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communication: Amendment filed 9/7/04.

2.   Claims 1-33 are pending. Claims 1, 12, and 23 are independent claims. Claims

5, 16, and 27 have been cancelled.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the
> United States before the invention thereof by the applicant for patent, or on an international application
> by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
> title before the invention thereof by the applicant for patent.

4.   Claims 1-3, 6, 9-14, 17, 20-25, and 31-33 are rejected under 35 U.S.C. 102(e) as

being anticipated by Ball et al., US 2002/0120648 A1, 8/29/02 (filed 2/15/02,

continuation filed 10/27/95).

In reference to claims 1, 6, 12, 17, 23, and 28, Ball teaches a system for

identifying changes in online data repositories where a current version is presented to a

user. Ball's system teaches copying an original document selected by a user from the

WWW to create a copied document on a server separate from the WWW. All archiving

is done on a separate server and changes in the original document are detected while

monitoring for changes. See page 13. The system periodically compares the archive

with current versions of the documents located in the repository and updates the

archive. See abstract. In response to a request from a client to access a document, a

current version of the document, as archived, is presented. Ball teaches that the

identifying parameter may comprise a date/time and version number of the file. See

Figure 3A in which a version history including timestamps (including date/time) are

included. Thus Ball teaches at least one of the parameters used to identify the

downloaded file.

Ball does not state the term "source identifier"; however, a source identifier can

be a URL. Ball teaches that a "page" refers to a unit of data which is identified by a

specific name such as a URL on the WWW. Thus Ball teaches that a "source identifier"

is a part of a downloaded file in that it is identified by a specific name. Ball checks the

source using a source identifier since he discloses that when the document is being

downloaded, updated, and presenting from the archive, the system is using some

identifier to retrieve information for the specific document that has been requested by

the user, in this case, the document is recognized by a URL as it is located over the

WWW. See page 4, paragraphs [0087]. Compare to "evaluating at said client a

downloaded file from a source within a network to determine if a source identifier is

present in said downloaded file; checking said source periodically utilizing said source

identifier to determine if a newer version of said downloaded file exists; replacing at said

client, in response to the presence of a newer version of said downloaded file, said

downloaded file with said newer version".

In reference to claims 2, 13, and 24, Ball does not teach "adding" a source

identifier to a downloaded file. Since the source identifier can be a URL and is retrieved

over a network, the page would have an identification if retrieved over a network;

however, if for some reason the file does not have a URL, Ball maintains a list of all the

pages that are saved and could attach a source identifier to that page based on information from the list of pages.

In reference to claims 3, 14, and 25, Ball teaches presenting to the user an option to compare selected versions as archived in response to a request to access the original document. Ball also teaches that when a user calls for a current version of a document, the system presents the current version and indicates what parts have not been previously accessed. See abstract. Ball further teaches that when a user wishes to view PAGE A, the invention ordinarily retrieves and presents the current version. The invention also provides an option for reconstructing the PAGE, as of a date specified by the user, and presents it in the format. See page 3, paragraph [0059]. Ball teaches prompting the user to select whether to replace the downloaded file with a new version as the capability of displaying or reconstructing a page as specified by a user's selection of a version or date is present in Ball's system. See page 3 and abstract.

In reference to claims 9, 20, and 31, Ball's system periodically compares the archive with current versions of the documents located in the repository and updates the archive. See abstract. Ball also teaches that in response to a request from a client to access a document, a current version of the document as archived is presented.

In reference to claims 10, 21, and 32, Ball teaches that a URL and new versions of the downloaded file are stored in an archive which is checked periodically using the page name and versions. See page 4 and 13.

In reference to claims 11, 22, and 33, Ball's system can take place over a network, such as the WWW, which could comprise a packet network.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 4, 15, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable

over <u>Ball et al.</u>, US 2002/0120648 A1, 8/29/02 (filed 2/15/02, continuation filed

10/27/95).

In reference to claims 4, 15, and 26, since most operating systems support

extended attributes that are associated with a file (as stated by applicant on page 11 of

specifications), it would have been obvious to one of ordinary skill in the art at the time

of the invention to have a URL located in the extended attribute of the downloaded file.

7.   Claims 8, 19, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable

over <u>Ball et al.</u>, US 2002/0120648 A1, 8/29/02 (filed 2/15/02, continuation filed 10/27/95)

in view of <u>Kullick et al.</u>, US Patent 5,764,992, 6/9/98.

In reference to claims 8, 19, and 30, Ball teaches storing a copy of a previously

downloaded file in the archived list and storing the current version as the current

version. See page 3 and figure 3. Kullick specifically teaches renaming a previous

copy to an archived name and storing a new version with a working name. Kullick

teaches renaming a current version once it is replaced with a new version. The new

version is then given the modified name. See columns 4-5. It would have been obvious

to one of ordinary skill in the art at the time of the invention to combine Ball and Kullick

since both are concerned with version management of a document or file being

downloaded from a source and renaming the previous version with an archived name

prevents interruptions at the current location as well as aiding the system in archiving

capabilities. See abstract of Kullick in which he teaches non-interruption of current

activities.

8.   Claims 7, 18, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ball et al., US 2002/0120648 A1, 8/29/02 (filed 2/15/02, continuation filed 10/27/95)

in view of Smith et al., US Patent 6,006,206, 12/21/99 (filed 9/8/97).

        In reference to claims 7, 18, and 29, Ball teaches periodically checking the

source for updates; however, he does not teach defining a default automatic time

interval and enabling a user to adjust the interval. Smith teaches receiving updated

data from a heartbeat signal at predetermined interval including a system identifier. See

columns 3-4. It would have been obvious to one of ordinary skill in the art at the time of

the invention to combine Smith's predetermined time interval in the system of Ball since

Ball's system periodically checks the source for updated data and Smith's system

allows that the time to be defined for the "periodic" checks.

Response to Arguments

9.   Applicant's arguments filed 9/7/04 have been fully considered but they are not

persuasive; however, since Examiner has changed the substance of the rejection, this

office action is non-final.

        Applicant's amendments have incorporated claims 5, 16, and 27 into their

respective independent claims. Applicant argues that Miller does not teach "identifying

parameters from among: (1) a signature string. . .(2) a locator string, . . .". Applicant's claim recites that *"said downloaded file is stored at said client with __one or more__ __identifying parameters from among: (1). . ."__*. Among the parameters recited by the claim limitation is included "a date/time and version number of said file". Ball teaches that the identifying parameter may comprise a date/time and version number of the file. See Figure 3A in which a version history including timestamps (including date/time) are included. Thus Ball teaches at least one of the parameters used to identify the downloaded file.

Applicant argues that Ball is devoid of any suggestion of adding a source identifier to a downloaded file as recited in claims 2, 13, and 24. Since the source identifier can be a URL and is retrieved over a network, one of ordinary skill in the art would recognize that the page would have an identification if retrieved over a network; however, if for some reason the file does not have a URL, Ball maintains a list of all the pages that are saved and could attach a source identifier to that page based on information from the list of pages. Furthermore, it is unclear to Examiner how a file downloaded from a network location would not have a source identifier or a URL. Clarification is requested.

Applicant argues that Ball does not teach the user directed features of claims 3, 14, and 25. Ball teaches presenting to the user an option to compare selected versions as archived in response to a request to access the original document. Ball also teaches that when a user calls for a current version of a document, the system presents the current version and indicates what parts have not been previously accessed. See

abstract. Ball further teaches that when a user wishes to view PAGE A, the invention

ordinarily retrieves and presents the current version. The invention also provides an

option for reconstructing the PAGE, as of a date specified by the user, and presents it in

the format. See page 3, paragraph [0059]. Examiner maintains position that Ball

teaches prompting the user to select whether to replace the downloaded file with a new

version as the capability of displaying or reconstructing a page as specified by a user's

selection of a version or date is present in Ball's system. See page 3 and abstract.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Paik et al.   US 6,185,584 B1   2/6/01 (filed 2/12/97)

Goldschmidt et al.   US 2001/0007147 A1   Filed (divisional) 10/30/98

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Rachna Singh whose telephone number is 571-272-

4099. The examiner can normally be reached on M-F (8:30-6).

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Feild can be reached on 571-272-4090.

RS
11/15/04

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER